



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION –
WESTERN AUSTRALIAN WEST COAST DEMERSAL GILLNET AND
DEMERSAL LONGLINE INTERIM MANAGED FISHERY AND THE SOUTHERN
DEMERSAL GILLNET AND DEMERSAL LONGLINE MANAGED FISHERY,
NOVEMBER 2023**

I, BELINDA JAGO, Branch Head, Ocean and Wildlife, as Delegate of the Minister for the Environment and Water, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from the Western Australian Department of Primary Industries and Regional Development, public comments on the proposal as required under section 303FR and advice on the ecological sustainability of the operation. I am satisfied on those matters specified in section 303FN of the EPBC Act. I hereby declare the operations for the harvesting of specimens that are or are derived from fish or invertebrates, taken in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery and as defined in the management regime in force under the *Fish Resources Management Act 1994* (WA), the Fish Resources Management Regulations 1995 (WA), the West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997, and Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan 2018, but not including:

- (a) specimens that belong to taxa listed under section 209 of the EPBC Act (Australia's List of Migratory Species), or
- (b) specimens that belong to taxa listed under section 248 of the EPBC Act (Australia's List of Marine Species), or
- (c) specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or
- (d) specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES List), except for Copper shark (*Carcharhinus brachyurus*), Spinner shark (*Carcharhinus brevipinna*), Bull shark (*Carcharhinus leucas*), Common blacktip shark (*Carcharhinus limbatus*), Australian blacktip shark (*Carcharhinus tilstoni*), Dusky shark (*Carcharhinus obscurus*), Sandbar shark (*Carcharhinus plumbeus*), Sicklefins lemon shark/Sharptooth lemon shark (*Negaprion acutidens*), Blue shark (*Prionace glauca*), Scalloped hammerhead (*Sphyrna lewini*), Great hammerhead (*Sphyrna mokarran*), and Smooth hammerhead (*Sphyrna zygaena*),

to be an approved wildlife trade operation, in accordance with subsection 303FN(2) and paragraph 303FN(10)(d), for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 19 August 2024 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 15th day of November 2023

Belinda Jago

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Delegate of the Minister for the Environment and Water

Notes:

1. Under the Administrative Appeals Tribunal Act 1975, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reasons may be made in writing to the Department of Climate Change, Energy, the Environment and Water within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section, Department of Climate Change, Energy, the Environment and Water, Email: sustainablefisheries@dcceew.gov.au.
2. Australia's obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are met through Part 13A of the EPBC Act. Specimens of species listed in Appendix II of Australia's CITES list under section 303CA of the EPBC Act may only be exported, under a CITES export permit issued under the EPBC Act, if Australia's CITES Scientific Authority has issued a non-detriment finding for that species. Further information, including a list of species for which non detriment findings have been issued and the fisheries from which they may be sourced, is available from <https://www.dcceew.gov.au/environment/wildlife-trade/cites>.

Declaration of the harvest operations of the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery as an approved wildlife trade operation, November 2023

ADDITIONAL PROVISIONS (section 303FT)

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 and Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery:

Condition 1:

Operation of the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery must be carried out in accordance with the management arrangements specified in the *Fish Resources Management Act 1994* (WA), Fish Resources Management Regulations 1995 (WA), the Southern Demersal Gillnet and Demersal Longline Fishery Management Plan 2018 and West Coast Demersal Gillnet and Demersal Longline Interim Fishery Management Plan 1997.

Condition 2:

The Western Australian Department of Primary Industries and Regional Development must inform the Department of Climate Change, Energy, the Environment and Water of any intended material changes to the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

Condition 3:

The Western Australian Department of Primary Industries and Regional Development must inform the Department of Climate Change, Energy, the Environment and Water of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.

Condition 4:

The Western Australian Department of Primary Industries and Regional Development must produce and present reports to the Department of Climate Change, Energy, the Environment and Water annually, as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. Reports must include all catch of species on the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Condition 5:

The Western Australian Department of Primary Industries and Regional Development must ensure that all catch in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery is reported to species level. This includes landed and discarded catch. Where species-level reporting is not possible, catches of these species must be managed in a precautionary manner.

Condition 6:

The Western Australian Department of Primary Industries and Regional Development must continue to ensure that all sharks retained by the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery are landed in a form that facilitates ready and reliable identification. This must include a prohibition on removal of fins and other morphological features that are necessary to identify species at the point of landing.

Condition 7:

The Western Australian Department of Primary Industries and Regional Development to develop and implement an independent data collection and validation program in the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery by February 2024. This may involve the use of electronic monitoring, onboard observers or other means. The information collected must be sufficient to reliably demonstrate the accuracy of all reported catch, effort and protected species interaction data collected via logbooks.

Condition 8:

The Western Australian Department of Primary Industries and Regional Development must develop, review and implement ecological risk mitigation measures to address any significant risks identified in the ecological risk assessment for the Western Australian West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery and the Southern Demersal Gillnet and Demersal Longline Managed Fishery.